

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL ORRIN BAKER,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 05- 146 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 16, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 26], filed on June 14, 2006, recommended that the individual Defendants' motion to dismiss for lack of subject matter jurisdiction [Doc. No. 20] be granted, and the United States' motion to dismiss, or in the alternative, motion for summary judgment [Doc. No. 18] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Objections were filed by Plaintiff on July 5, 2006 [Doc. No. 28]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 11th day of July, 2006;

IT IS HEREBY ORDERED that the individual Defendants' motion to dismiss for lack of subject matter jurisdiction [Doc. No. 20] is GRANTED, and the United States' motion to dismiss, or in the alternative, motion for summary judgment [Doc. No. 18] is GRANTED.

The Report and Recommendation [Doc. No. 26] of Magistrate Judge Baxter, filed on June 14, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge